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United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

September 12, 2003

The Honorable David M. Walker
Comptroller General
U.S. General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Walker:

In light of the September 11, 2001, terrorist attacks, concern has increased that terrorists could smuggle weapons of mass destruction (WMD), or their components and other potentially lethal devices, into the approximately 7 million ocean going containers that arrive in the United States every year. As part of its overall response to the threat of terrorism, the Department of Homeland Security's Bureau of Customs and Border Protection (BCBP, formerly the U.S. Customs Service) implemented the Container Security Initiative (CSI) to screen high-risk containers at sea ports overseas, thus employing BCBP tools before potentially dangerous cargoes reach our shores. BCBP also implemented the Customs Trade Partnership Against Terrorism (C-TPAT) to improve the security of the global supply chain in the private sector.

In August 2003, staff from the Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs and the House Energy and Commerce Committee conducted a fact-finding trip to two CSI ports – Bremerhaven and Hamburg, Germany. While this oversight trip indicated that CSI could be useful as part of an overall risk management approach to combat terrorism and WMD, the facts also indicated that both CSI and C-TPAT, while in an early stage, currently lack the resources and long term planning to reach their full potential, and face a number of compelling challenges that further impact their ability to deliver on their promise.

As you know, GAO recently issued a report on BCBP's management of both these initiatives, focusing on strategic planning and staffing issues. Our interest lies in the implementation of these initiatives, specifically on how BCBP is using them in connection with its other enforcement programs. These important BCBP initiatives – such as CSI, which relies extensively on targeting – need sustained attention and congressional oversight. Therefore, we request that GAO review the requirements for and challenges involved in transitioning CSI and C-TPAT from promising risk management concepts to effective and sustained enforcement operations, focusing specifically on the following:

- (1) the extent to which CSI and C-TPAT are consistent with risk management best practices articulated by GAO and others;
- (2) the effectiveness of the targeting criteria and procedures used by CSI to identify containers for inspection, and the effect on targeting of the "24-hour rule;"

- (3) the deployment and use of various types of technology for inspecting containers targeted under CSI at overseas sea ports;
- (4) the coordination between BCBP and the host government customs services and other authorities to help ensure the effective execution of CSI at these ports;
- (5) any enforcement or compliance actions that BCBP either has implemented or is planning to implement, either by itself or in concert with C-TPAT signatory companies, to gain a level of assurance that these companies are meeting their obligations and commitments under the initiative;
- (6) whether or not current CSI staffing in foreign ports is adequate; and
- (7) any actions BCBP has taken to implement prior GAO recommendations regarding CSI and C-TPAT and determine the extent to which these actions are responsive to the recommendations.

If you have any questions regarding this request, please contact Ray Shepherd, Staff Director of the Senate Permanent Subcommittee on Investigations, at (202) 224-3721; Laura Stuber, Minority Counsel of the Senate Permanent Subcommittee on Investigations, at (202) 224-9505; Jason Foster, Senior Counsel of the Senate Governmental Affairs Committee, at (202) 224-4751; or Chris Knauer, Minority Investigator of the House Committee on Energy and Commerce, at (202) 225-6563. Thank you in advance for your prompt response to this request.

Sincerely,



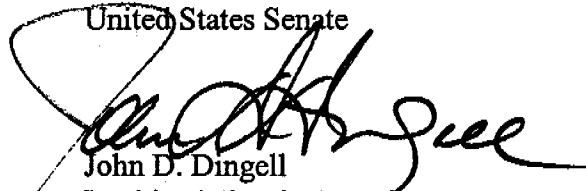
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